

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

<b>In the Matter of</b>	)	
	)	
<b>2000 Biennial Regulatory Review--</b>	)	
<b>Streamlining and Other Revisions</b>	)	<b>IB Docket No. 00-248</b>
<b>of Part 25 of the Commission's Rules</b>	)	
<b>Governing the Licensing of, and</b>	)	
<b>Spectrum Usage by, Satellite Network</b>	)	
<b>Earth Stations and Space Stations</b>	)	

**COMMENTS OF GLOBALSTAR USA, INC. AND GLOBALSTAR, L.P.**

Globalstar USA, Inc. ("GUSA") and Globalstar, L.P. (collectively "Globalstar"), pursuant to Section 1.415 of the Commission's rules, hereby file their comments on the Notice of Proposed Rulemaking ("Notice") issued December 14, 2000, FCC 00-435, in the above-referenced proceeding. GUSA is the United States service provider for the Globalstar™ nongeostationary mobile satellite service ("NGSO MSS ") system. Globalstar, L.P. holds the right to offer capacity on the Globalstar™ system and owns and operates the international MSS business. GUSA or its affiliates hold Part 25 licenses for gateway earth stations and a blanket license for up to 500,000 mobile earth terminals ("METs") used with the Globalstar™ system. The Globalstar™ system has been offering commercial services in the United States for approximately one year.

**I. THE COMMISSION SHOULD CLARIFY THAT ITS PROPOSALS FOR STANDARD C-BAND AND KU-BAND EARTH STATIONS DO NOT APPLY TO NGSO MSS EARTH STATIONS**

Globalstar applauds the efforts of the Commission in proposing to streamline and clarify its earth station licensing rules, technical regulations, and application forms. Globalstar supports the adoption of rules that encourage innovation by satellite service providers, that reduce the filing burdens on applicants and licensees, and that expedite the process of issuing licenses, thereby accelerating the provision of cost-effective service to the public.

The majority of the streamlining proposals described in the *Notice* appear to be limited to "conventional" C-Band (3700-4200 MHz downlink and 5925-6425 MHz uplink) and Ku-Band (11700-12200 MHz downlink and 14000-14500 MHz uplink) fixed satellite services ("FSS"). In particular, all of the proposals in Section III, Sections IV.A., IV.B., Section V and Section VI.D of the *Notice* and Appendices A, E, and F appear to be limited to conventional C-Band and Ku-Band FSS.<sup>1</sup>

Because GUSA's earth stations and METs do not operate in the conventional C-Band and Ku-Band,<sup>2</sup> Globalstar will not comment on the above-referenced sections of the *Notice*.

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<sup>1</sup> Even the Commission's proposal for mandatory electronic filing of earth station license applications is limited to "routine" C-Band and Ku-Band applications. GUSA supports requiring "non-routine" earth station applications to be filed electronically also, if such filing will expedite the issuance of all earth station licenses, not just "routine" applications. If the Commission does not require all applications to be filed electronically, it should revisit its proposal in paragraph 77 and clarify whether electronic petitions to deny and comments are to be filed only upon "routine" applications filed electronically or also upon "non-routine" applications filed non-electronically.

<sup>2</sup> GUSA feeder link earth stations operate in the 5091-5250 MHz (transmit) and 6875-7055 MHz (receive) bands. GUSA METs are authorized to operate in the 1610-1621.35 MHz (earth to space) and 2483.5-2500 MHz (space to earth) bands.

Globalstar requests, however, that the Commission expressly clarify that the policies proposed in the above-referenced sections of the *Notice* do not apply to bands other than conventional C-and Ku-Band and, in particular, will not be extended to the NGSO MSS bands that have completely different operational needs and parameters. For example, the Commission's technical rules for conventional C-Band and Ku-Band operations are based upon two-degree orbital spacing. NGSO MSS systems, on the other hand, are not subject to that regime and should not be governed by technical rules designed for that regime.

## **II. NGSO MSS LICENSEES REQUIRE FLEXIBILITY REGARDING HOW MANY MOBILE EARTH TERMINALS THEY ARE AUTHORIZED TO OPERATE TO ALLOW GROWTH OF THEIR CUSTOMER BASE**

In paragraphs 46-47 of the *Notice*, the Commission recognizes that its rules requiring earth station licensees to complete construction of authorized earth stations must take into account the differences between (a) the individual licenses typically issued for each non-VSAT fixed earth station, and (b) the blanket licenses the Commission issues for mobile earth station terminals ("METs") like the handsets licensed to GUSA for the Globalstar™ system. The blanket licenses do not authorize the operation of a precise number of handsets at a single point in time but allow the licensee to operate "up to" a designated number of METs.

The Commission proposes revising Section 25.133(a) to require *MET licensees* to bring their "networks" of earth stations into operation within a year. The Commission also proposes to revise Section 25.133(b) to require *MET licensees* to certify that they have brought their "networks" of earth stations into operation within a year of receiving their licenses. The Commission's proposed rule changes should be clarified to recognize that METs are associated with, but still distinct from, the NGSO MSS service provider's gateway earth station network.

Indeed, Commission rules do not bar multiple entities from obtaining separate blanket MET authorizations to communicate with the same MSS satellite system. Thus, Globalstar recommends that the proposed link between a blanket MET license and “network” operations be severed. Moreover, because marketing considerations may justify the postponement of the roll-out of a particular MET in the United States, Globalstar recommends that the proposal for a “bring into use” date be dropped.

Globalstar supports the Commission’s proposal to extend the term of all satellite earth station licenses from ten to fifteen years. This reduces the filing burdens of Part 25 licensees without adversely affecting service to the public. The Commission should consider automatically extending the term for all currently licensed earth stations an additional five years so that current licensees may benefit from this proposal immediately.

Globalstar, however, vigorously opposes the Commission’s proposal whereby “[i]f a MET licensee has not brought all the earth stations permitted by its license into operation at the time of renewal, we would renew its license only for those earth stations that have been brought into operation.”<sup>3</sup> In effect, the Commission’s proposal would freeze a MET licensee at the number of mobiles operating on the date of license renewal. The Commission, however, provides no rationale why such a freeze would serve the public interest. This proposal does not allow for the system growth that the blanket license was designed to accommodate.

Indeed, adoption of this proposal would require the MET licensee to apply for an amendment of its renewed license the first time that the MET licensee wanted to add a single,

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<sup>3</sup> Notice at para. 46.

new subscriber. Such a procedure obviously would be burdensome to both the MET licensee and the Commission. Instead, the Commission should renew an MET license for the number of METs requested by the licensee, allowing the licensee to determine how much growth in subscribership it expects during the next license term.

Globalstar also opposes the Commission's proposal to require MET licensees to file periodic reports stating the number of terminals in use. This is competitively sensitive information, and its reporting would serve no useful regulatory purpose.

The FCC also provides no rationale to support its proposal to require MET licensees to bring a certain percentage of their authorized number of terminals into use by a certain time. The Commission proposes no specific percentage nor any specific milestone date, and Globalstar is not aware of any rational basis upon which to determine what would be an appropriate percentage or appropriate milestone date. Moreover, the percentage/milestone proposal would require the filing of multiple reports and perhaps even multiple applications. This would be inconsistent with the Commission's streamlining initiative in this proceeding.

### **III. THE COMMISSION SHOULD CLARIFY ITS LICENSE MODIFICATION RULES**

Globalstar supports clarification of Sections 25.117 and 25.118 concerning what types of changes to a licensed earth station are "minor" modifications that can be implemented without prior authorization by the Commission. *Notice* at para. 78-79. Proposed rule Section 25.118, however, is still ambiguous to the extent that subsections (a) and (b) appear to overlap. For example, the equipment replacement authorized in the proposed revision to Subsection 25.118(a)(2) that does require notification (replacement of equipment that is electrically identical

to the existing equipment) appears to be identical to the equipment replacement authorized under proposed Subsection 25.118(b) (replacement of transmitters or antenna facilities) that does not require notification. It also is not clear whether the Commission intends that replacement of licensed equipment with "electrically identical" equipment (including, perhaps, the same model antenna as the existing equipment) would require notification to the FCC under Section 25.118(a)(2), but the addition of a new antenna would require no notification under Section 25.118(b).

Globalstar also requests that the Commission replace the phrase "electrically identical" in Subsection 25.118(a)(2) with "operationally identical in terms of RF and EIRP characteristics." This change would allow the FCC to streamline its rules to allow MET licensees to add new models of MET handsets to their product mix without prior authorization by the Commission and consistent with any GMPCS rules eventually adopted.<sup>4</sup> Specifically, if new MET models have the same RF characteristics as the licensed model but are not "electronically identical" because, for example, one model is digitized voice and the other is non-voice data, the Commission should allow immediate entry of the new model into the marketplace, subject only to the Commission rules for GMPCS terminals that eventually are adopted.

Finally, GUSA proposes that as part of its streamlining initiative the Commission relax its requirement that a separate license be issued for each fixed gateway antenna that is more than one second in latitude or longitude from the lead licensed gateway antenna. GUSA gateway

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<sup>4</sup> See Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding, IB Docket No. 99-67, 14 FCC Red 5871 (1999).

facilities generally incorporate multiple antennas located in a remote, relatively small geographic area; and the frequency coordination conducted by GUSA accounts for all the proposed gateway antennas in that area. NGSO MSS licensees should not be required to obtain separate licenses for each antenna at a gateway site simply because of being located slightly more than a one second difference in latitude or longitude (for example, within two or three seconds) from the lead antenna. If a single frequency analysis covering all the antennas shows no interference issue, then a single license should suffice also.

#### **IV. MISCELLANEOUS ISSUES**

##### **A. Resolving Harmful Interference**

Globalstar supports the proposed amendment (paragraph 85) to Section 25.274 to clarify who may contact the control center of another satellite system to resolve claims of harmful interference. The Commission, however, should modify the last sentence of existing Section 25.274(e) to substitute “resolve” for “eliminate.” In some cases, there may be a coordination agreement among parties to accept some interference, and the FCC rules should not set up the expectation that interference can be “eliminated” in all instances. It also may be appropriate to reverse the order of subsection (f) and proposed subsection (g) to clarify that, in non-severe cases, an earth station operator should try the other recommended means to resolve the experienced interference before calling on the FCC.

##### **B. Extension of Section 25.211 and 25.212 Power Limits to Other FSS Bands**

Globalstar opposes the Commission’s proposal in paragraph 86 to apply the power limits of FCC rule Sections 25.211 and 25.212 (established for conventional C-band and Ku-band) to the FSS bands that are or will be allocated for NGSO MSS feeder links. The

separation requirement for the downlink prescribed in Sections 25.211 and 25.212 simply was not designed with NGSO MSS operational parameters in mind. Indeed, as mentioned previously, the technical rules for conventional C-Band and Ku-Band operations are premised on the two-degree orbital spacing regime that is not applicable to NGSO MSS systems.

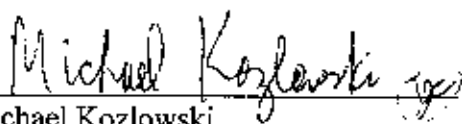
### **C. Application Forms**

GUSA supports streamlining the FCC's earth station application forms. Especially if the FCC adopts mandatory electronic filing of license applications, the FCC should ensure that the electronic forms contain an appropriate option for any question for which an applicant conceivably could answer "Not Applicable." For example, the application form requests information on the foreign ownership status for all applicants, but certain applicants should be allowed to answer "Not Applicable" because the Section 310(b) foreign ownership requirements do not apply to non-common carrier licensees. Moreover, the information requested from applicants in the conventional C-Band or Ku-Band FSS may not be applicable to applicants requesting licenses in other bands. Technical information requests, therefore, also should include the possibility of an applicant answering "Not Applicable."

## V. CONCLUSION

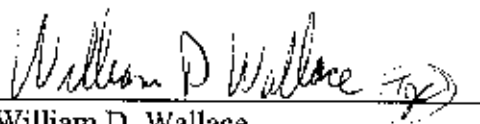
For the foregoing reasons, the Commission should take action consistent with recommendations proposed herein.

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Respectfully submitted

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